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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,397	03/09/2004	Robert Falotico	CRD-5068	1881

27777 7590 06/22/2010  
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NEW BRUNSWICK, NJ 08933-7003

EXAMINER
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BERRIOS, JENNIFER A

ART UNIT	PAPER NUMBER
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1619

NOTIFICATION DATE	DELIVERY MODE
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06/22/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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Art Unit: 1619

11. Continuation

***Response to Arguments***

Applicant argues that the references taken as a whole fail to disclose or even suggest a medical device with two specific drugs in a specific dosage in a two distinct polymer structure with a specific polymer ratio. None of the references taken as a whole disclose the use of immiscible polymers on the same device as claimed. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

This is not persuasive, although applicant has amended the claims to further recite the limitation "wherein the first and second polymeric materials are immiscible with respect to one another," the structural limitations of the claims remain the same. The combination of prior art references, as discussed in the office action mailed 4/12/2010, specifically page 4, discloses an implantable structuring having a basecoat matrix comprising polyvinylidene fluoride and hexafluoropropylene (PVDF/HFP) in a 60/40 weight ration and a top coat comprising polybutylmethacrylate (BMA). Although the prior art does not specifically disclose that these polymers are immiscible, this property is inherent in the polymers recited by instant claim 1. Furthermore, the instant specification discloses that PVDF/HFP and BMF are immiscible or incompatible polymers (Paragraph 0411). The drug dosages of topotecan are specifically addressed in page 6 of the office action mailed 4/12/2010.

/Jennifer A Berríos/  
Examiner, Art Unit 1619

/Tracy Vivlemore/  
Primary Examiner, Art Unit 1635